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EXAMINER
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MERENE, JAN CHRISTOP L

ART UNIT	PAPER NUMBER
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3733

MAIL DATE	DELIVERY MODE
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02/17/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,855	<b>Applicant(s)</b> THAKKAR, NAVIN N.	
	<b>Examiner</b> JAN CHRISTOPHER MERENE	<b>Art Unit</b> 3733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,7,8,14,15,18,21,24,27,28,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,8,14,15,18,21,24,27,28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This initial Office action is based on the 10/599,855 application filed on October 11, 2006, which is a 371 of PCT/IN05/00102 filed on April 7, 2005.

### ***Election/Restrictions***

2. Applicant's election without traverse of Group I in the reply filed on November 2, 2009 is acknowledged. Claims 31-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 2, 2009.

### ***Claim Objections***

3. The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b). Also the font size and spacing of the lines are not consistent.

4. Claims 2-3, 8, 21 is objected to because of the following informalities:

Claim 2 recites "a short length version of said intramedullary nail" which is grammatically awkward. The examiner suggests language such as --said intramedullary nail is of a short length version with an anterior curvature--. Based of prosecution history, it appeared that the applicant was trying to claim a longer version and a shorter version of a nail. The applicant is no longer claiming the long version any more and it is not clear as to what applicant means by claiming a short version.

Claims 8, 21 objected to because of the following informalities: Claims 8, 21 does not end in a period. Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995) and MPEP 608.01(m).

Claim 27 recites in part D, "corresponding one of said first plurality of proximal holes" where the examiner believes the applicant was trying to convey -- corresponding **to** one of said first plurality of proximal holes--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. Claims 2-3, 7-8, 14-15, 18, 21, 24, 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites "a plurality of proximal sliding hip pins," where it is unclear if the applicant is claiming the same proximal pins as recited in claim 1 or a different set of pins. For examining purposes, the examiner will treat it as the same pins in claim 1.

Claim 3 recites "does not obstruct intraoperative imaging even though it is not radiolucent." The term "it" lacks antecedent basis and it is not clear if the applicant is trying to claim that the nail is not made of radiolucent material. If this is the case, applicant should amend the claim to recite --does not obstruct intraoperative imaging and is not radiolucent--.

Claim 18 recites "said proximal sliding hip pin comprising a head part, a smooth part .." which is confusing an indefinite because in claim 27 the applicant already claimed the head part and smooth part.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Marino US 4,733,654.

Marino discloses an implant assembly comprising:

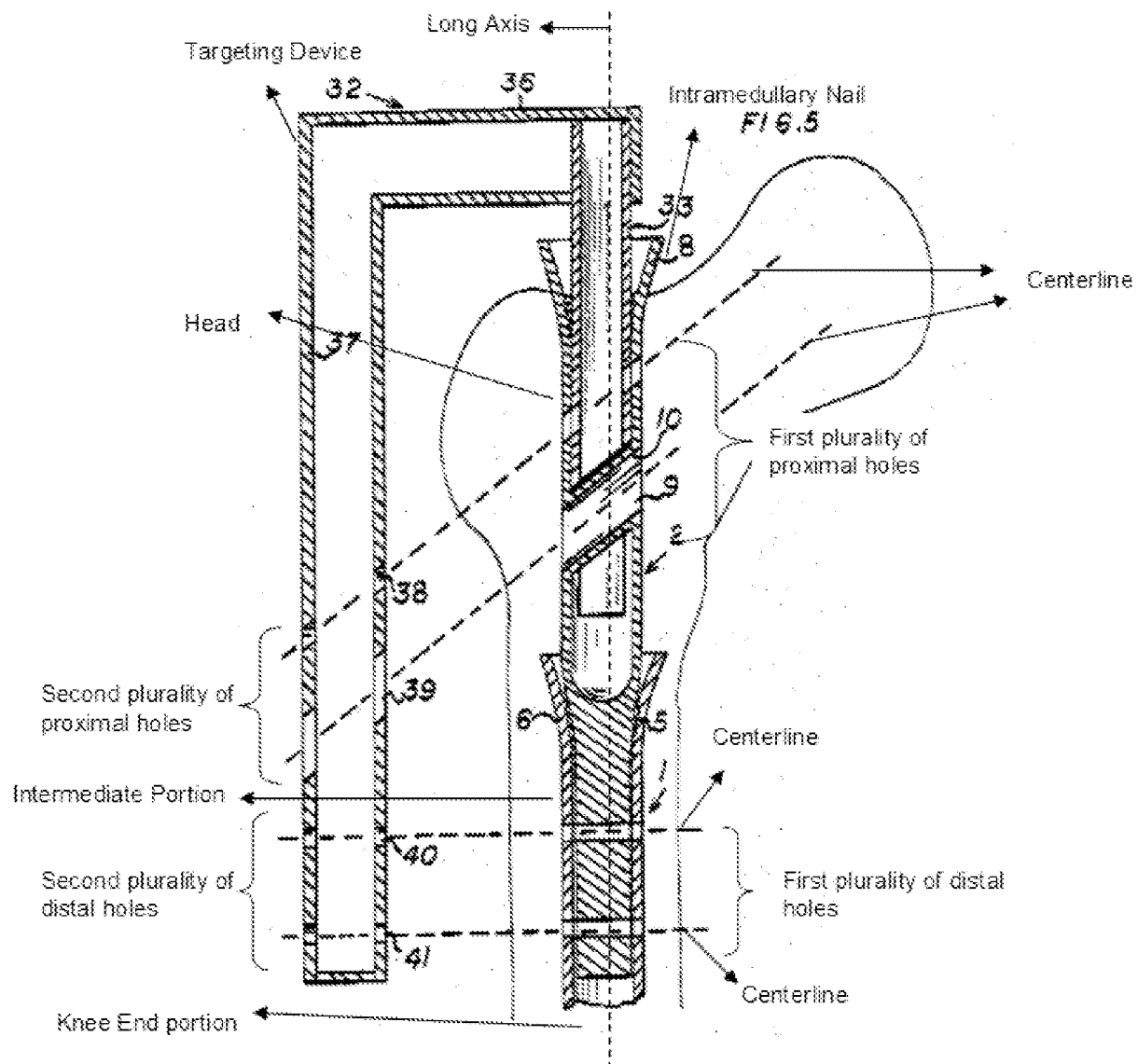
a unitary intramedullary nail comprising a head, intermediate portion, knee end portion, a long axis with a first plurality of proximal holes and a first plurality of distal holes, each with a centerline that corresponds with a block of second plurality of proximal holes and a block of a second plurality of distal holes of a targeting device connectable to the nail (see fig below),

the targeting device comprising a connecting end connectable to a connecting end of the intramedullary nail (as seen in Fig below),

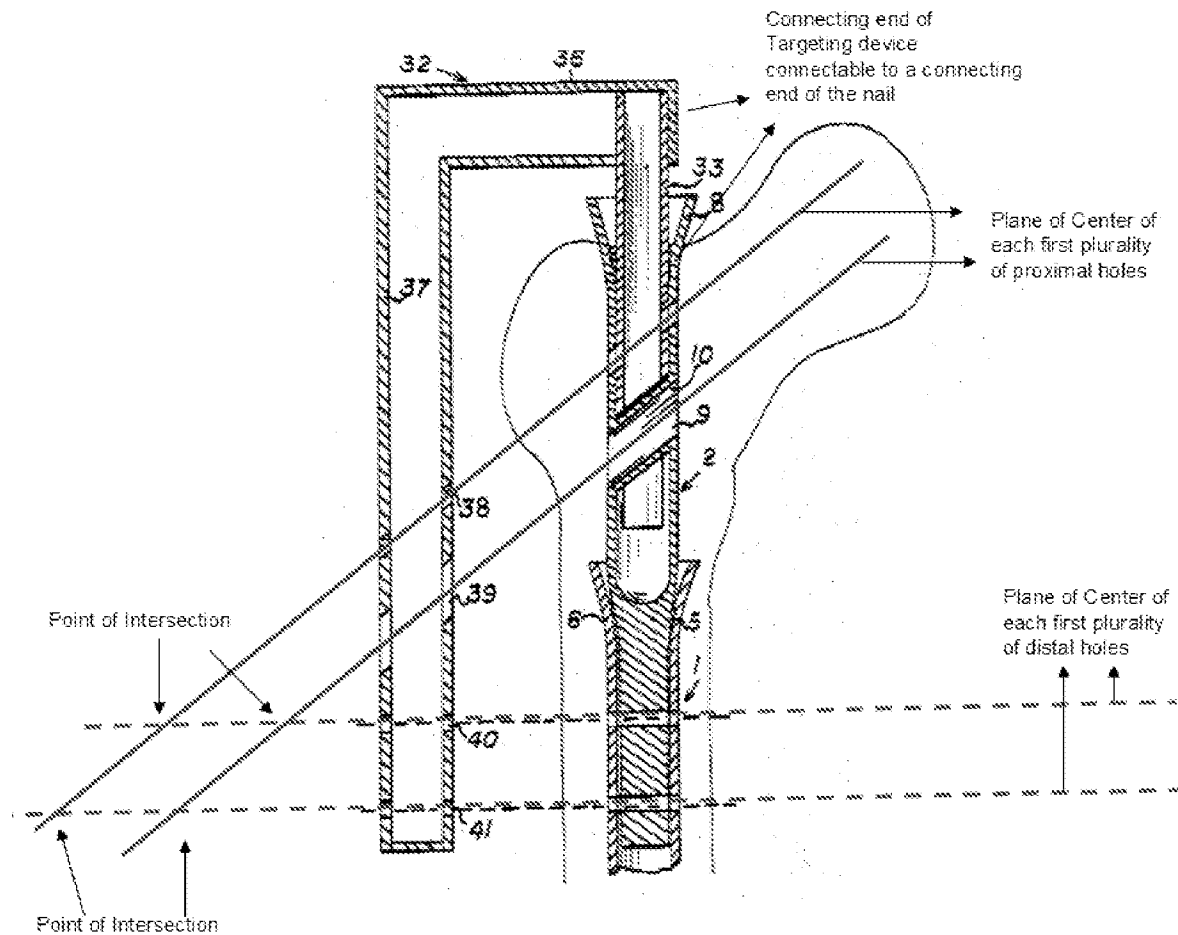
wherein the proximal centerline intersects the long axis and defines a plane of centre for each of the plurality of distal holes, the distal centerline intersect the long axis at a substantially perpendicular angle also defining a plane of centre, wherein the plane of centers intersect with each other and where proximal sliding hip pins and distal

Art Unit: 3733

locking screws is engagable to the proximal and distal holes of the nail, respectfully, without rotating the targeting device (as seen in Fig below as well as in Fig 1 and Col 3 lines 15-60, wherein the planes of centers for the proximal holes and distal holes intersect and see Response to Arguments below).



Art Unit: 3733



### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 3733

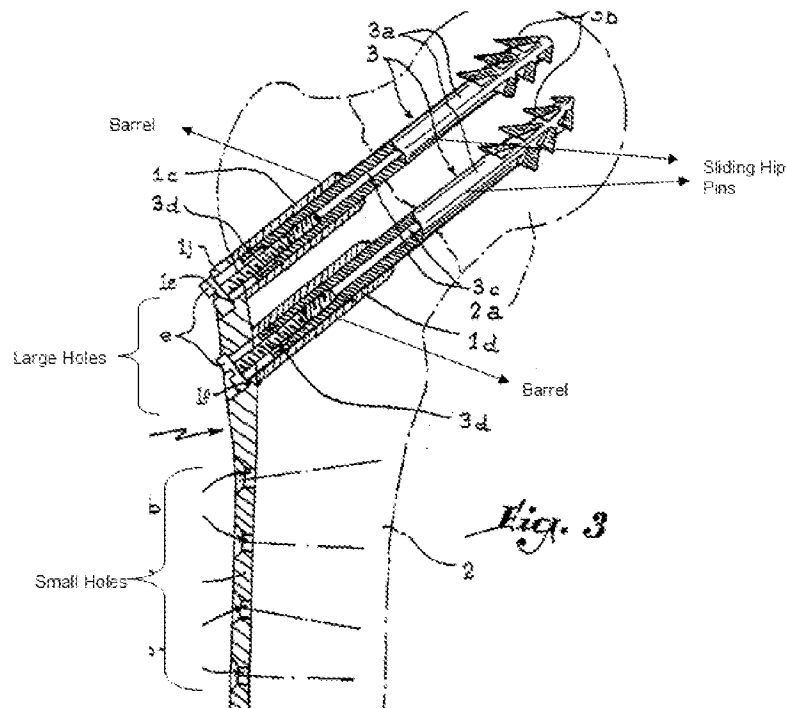
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marino US 4,733,654 in view of Judet et al US 5,591,168 and Engelhardt et al US 4,805,607.

Marino discloses the claimed invention as discussed above with a buttress plate with holes and pins/nails with smooth parts (#19 and #21, #17 as seen in Fig 3), wherein the sliding pins corresponds with the holes on the plate and nail, where the pins are used and oriented to treat fractures in the femur (see Col 1 lines 60-67, Col 2 lines 1-5 in Marino) but does not specifically disclose a buttress plate with a plurality of barrels and large and small holes and a hip pin has a triflanged part.

However, Judet teaches a buttress plate with large and small holes, a plurality of barrels, which allow for gliding hip pins with a smooth sliding part (as seen in Fig below), wherein the barrel provides a continues smooth gliding surface (see Col 2 lines 1-15) and allows guiding a screw/pin to be positioned under tension to draw the cephalic sphere nearer the body of the femur (see Col 1 lines 15-19).





However, Engelhardt discloses a pin/nail with a triflanged part (#26 as seen in Figs 5, 7 and 9), where it allows bone contact along three very thin flanges of metal that are equally spaced, where the leading end of each flange is a sharp point that upon nail impaction cuts into the bone and provides a self broaching mechanism (see Col 2 lines 11-16) and that the edges of the flanges digging into the bone reduce the ability of the nail to undesirably rotate inside the bone or the individual bone fragments to rotate relative to the nail or to each other (see Col 4, lines 14-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the plate of Marino in view of Judet as discussed above because it applies a known technique to a known device ready for improvement to yield predictable results of guiding a screw/pin to be positioned under tension to draw the cephalic sphere nearer the body of the femur. (The examiner notes that the proximal

Art Unit: 3733

holes of the nail of Marino would match that of the large holes with barrels, wherein the sliding pin would correspond with the large holes of the plate and proximal holes of the nail since the pins are used and oriented to treat fractures in the femur, see Col 1 lines 60-67, Col 2 lines 1-5 in Marino and Fig 3 and Col 1 lines 10-11, 15-19, 64-67 in Judet).

It would have also been obvious to one having ordinary skill in the art to modify the combination of Marino and Judet to include a tri-flanged tip in view of Engelhardt because it allows bone contact along three very thin flanges of metal that are equally spaced, where the leading end of each flange is a sharp point that upon nail impaction cuts into the bone and provides a self broaching mechanism and that the edges of the flanges digging into the bone reduce the ability of the nail to undesirably rotate inside the bone or the individual bone fragments to rotate relative to the nail or to each other.

11. **Claims 2-3, 7-8, 14-15, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino US 4,733,654, Judet et al US 5,591,168 , Engelhardt et al US 4,805,607 and Brumfield US 5,562,666.

The combination of Marino, Judet, and Engelhardt disclose the claimed invention as discussed above, wherein in **Claim 3**, see fig above in Claim 1, where the targeting device is short and compact and can be removable to not obstruct imaging (see Fig above and see Col 3 lines 14-59 in Marino).

In **Claim 7**, a first distance between a tip of the connecting end and proximal holes is kept at an X value and a second distance between a pair of proximal holes is kept at Y value, wherein X and Y are in millimeters (see Fig above in Claim 1 where any number of distances in X can be made between the connecting end and the holes and

Art Unit: 3733

that the proximal holes are at a distance Y, where the distance between any given point can always be measured in millimeters, wherein the examiner notes that placement and orientation of the sliding pins would obviously be dependent on the patient's need, where it would be capable of engagement in the calcar portion and neck portion and capable of preventing cut through of the sliding hip pins from the neck portion to the head portion of the femur).

With regards to **Claim 8**, the intramedullary nail is of a short length version (see above), where a distance between the tip of the connecting end and second plurality of distal holes is kept a Z value in millimeters and the second plurality of distal holes correspond with the first plurality of distal holes of the nail (as seen in Fig above in claim 1 and where there is a distance between the connecting end and the distal holes that can be measured in millimeters).

With regards to **Claim 14**, the distance between the tip of the tip of the connecting end of the nail and the first plurality of proximal holes is kept at a third distance X1 value, and a fourth distance between a pair proximal holes is kept at Y1 is kept in millimeters (see Fig above in claim 1 where a distances X1 and Y1 can be formed, where the distance between any two points can be measured in millimeters and the examiner notes that placement and orientation of the sliding pins would obviously be dependent on the patient's need, where it would be capable of engagement in the calcar portion and neck portion and capable of preventing cut through of the sliding hip pins from the neck portion to the head portion of the femur).

With regards to **Claim 15**, where the nail is of a short length, mounted on the targeting device (see above and Fig in Claim 1), where the connecting end an first plurality of distal holes is at a distance Z1 value in millimeters and where the distal holes of the target device correspond to the distal holes of the nail (see Fig above in claim 1).

The combination of Marino, Judet, and Engelhardt disclose does not specifically disclose the length of the nail being a short version and where the knee end has a curvature.

Brumfield teaches it is known to have a short length version of an intramedullary nail of short length version (#110) depending on the patient, where one would not to ream the entire length of the femoral marrow channel if there is no trauma to that area (see Col 5 lines 55-65), wherein the knee end has a curvature to align with the marrow canal of the femur (see Col 3 lines 18-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify combination of Marino Judet, and Engelhardt to have the nail be short in length and the knee end to have a curvature as taught by Brumfield above because one would not to ream the entire length of the femoral marrow channel if there is no trauma to that area, wherein the curvature aligns with the marrow canal of the femur. The examiner also notes that it would have been an obvious matter of design choice provide the nail in a short length version, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Art Unit: 3733

12. **Claim 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino US 4,733,654, Judet et al US 5,591,168 and Engelhardt et al US 4,805,607, as applied to claim 27 above, and in further view of Brumfield US 5,562,666.

The combination of Marino, Judet, Engelhard and Brumfield disclose the claimed invention as discussed above, wherein the sliding pin has a head part, a smooth part and a triflanged part with scalloped three flat equal surfaces (see #26, Figs 5, 7, 9 where the triflanged part has three equal surfaces in Engelhardt), but does not disclose the flat surfaces span up to 15 to 50mm.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the flat surfaces span up to 15 to 50mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Further more, it would have been an obvious matter of design choice to construct the flat surfaces span up to 15 to 50mm, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

13. **Claims 21, 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino US 4,733,654, Judet et al US 5,591,168, Engelhardt et al US 4,805,607, Brumfield US 5,562,666, as applied to claims 2, 18 above, in further view of Middleton et al US 2003/0083662.

Art Unit: 3733

The combination of Marino, Judet, Engelhardt, and Brumfield disclose the claimed invention as discussed above but does not disclose the sliding pin with a central cannulation and a plurality of holes of at least 2mm in diameter.

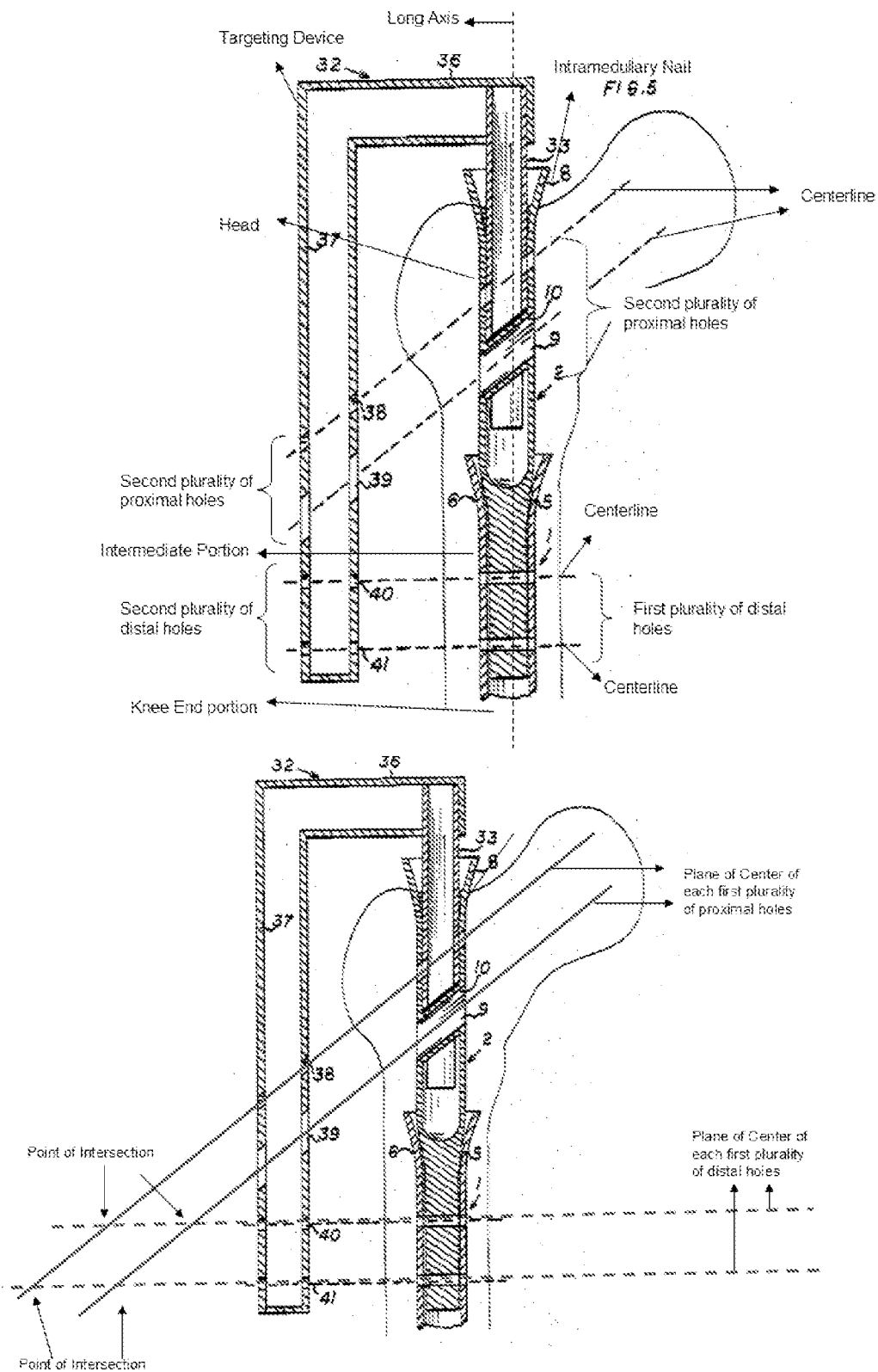
However, Middleton discloses a pin with a central cannulation (#192) and plurality of holes (#134 as seen in Figs 11a-11c), where the holes (#134) and central cannulation are adapted for the flow of in-situ hardenable material (see paragraph 34), wherein the material is bone cement (see paragraph 37) to help in fixation of the pin within bone (see paragraph 5) wherein the holes would not hamper the sliding of the smooth part.

It would have been obvious to one having ordinary skill in the art to modify the combination of Marino, Judet, Engelhardt, and Brumfield to include the holes (#134) and central cannulation in view of Middleton because the holes (#134) and central cannulation are adapted for the flow of in-situ hardenable material (see paragraph 34), wherein the material is bone cement (see paragraph 37) to help in fixation of the pin within bone (see paragraph 5) wherein the holes would not hamper the sliding of the smooth part. With regards to the diameters of the holes, it would also have been obvious to one having ordinary skill in the art to have holes of at least 2mm due to the small space within the body to sufficiently supply material through the holes. It would also have been obvious to one having ordinary skill in the to have holes of at least 2mm, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Art Unit: 3733

14. **Claim 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marino US 4,733,654 in view of Judet et al US 5,591,168 and Engelhardt et al US 4,805,607.

Marino discloses an implant assembly comprising a unitary intramedullary nail comprising a head, intermediate portion, knee end portion, a long axis with a first plurality of proximal holes and a first plurality of distal holes, each with a centerline that corresponds with a block of second plurality of proximal holes and a block of a second plurality of distal holes of a targeting device connectable to the nail, wherein the proximal centerline intersects the long axis and defines a plane of centre for each of the plurality of distal holes, the distal centerline intersect the long axis at a substantially perpendicular angle also defining a plane of centre, wherein the plane of centers intersect with each other and where proximal sliding hip pins and distal locking screws is engagable to the proximal and distal holes of the nail, respectfully, without rotating the targeting device (as seen in Fig below as well as in Fig 1 and Response to Arguments).

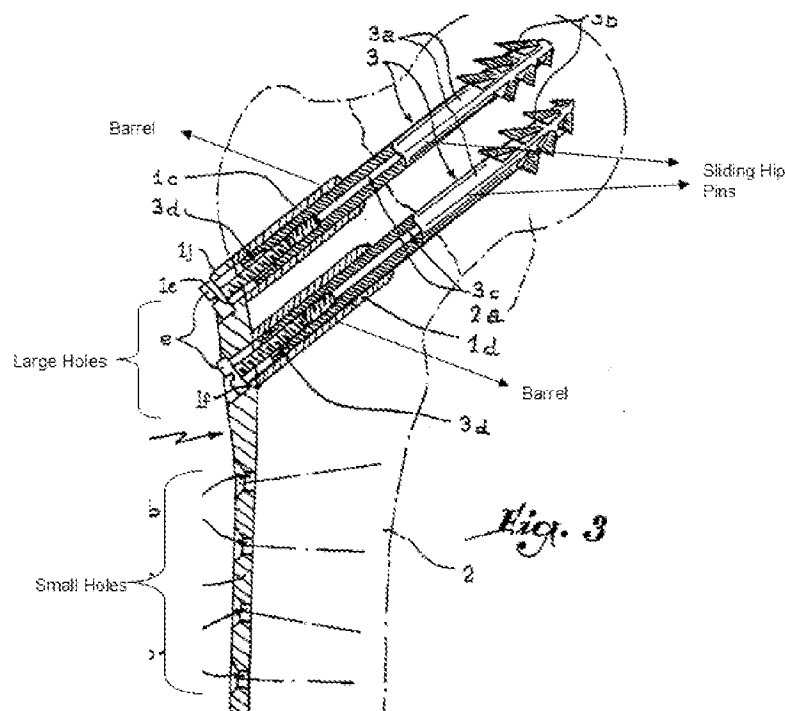




Art Unit: 3733

Marino discloses the claimed invention as discussed above with a buttress plate with holes and pins/nails with smooth parts (#19 and #21, #17 as seen in Fig 3) but does not specifically disclose a buttress plate with a plurality of barrels and large and small holes and the proximal sliding hip pins comprising a triflanged part.

However, Judet teaches a buttress plate with large and small holes, a plurality of barrels, which allow for gliding hip pins with a smooth sliding part (as seen in Fig below), wherein the barrel provides a continuous smooth gliding surface (see Col 2 lines 1-15) and allows guiding a screw/pin to be positioned under tension to draw the cephalic sphere nearer the body of the femur (see Col 1 lines 15-19).



However, Engelhardt discloses a pin/nail with a triflanged part (#26 as seen in Figs 5, 7 and 9), where it allows bone contact along three very thin flanges of metal that are equally spaced, where the leading end of each flange is a sharp point that upon nail

Art Unit: 3733

impaction cuts into the bone and provides a self broaching mechanism (see Col 2 lines 11-16) and that the edges of the flanges digging into the bone reduce the ability of the nail to undesirably rotate inside the bone or the individual bone fragments to rotate relative to the nail or to each other (see Col 4, lines 14-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the plate of Marino in view of Judet as discussed above because it applies a known technique to a known device ready for improvement to yield predictable results of guiding a screw/pin to be positioned under tension to draw the cephalic sphere nearer the body of the femur. (The examiner notes that the proximal holes of the nail of Marino would match that of the large holes with barrels, wherein the sliding pin would correspond with the large holes of the plate and proximal holes of the nail since the pins are used and oriented to treat fractures in the femur, see Col 1 lines 60-67, Col 2 lines 1-5 in Marino and Fig 3 and Col 1 lines 10-11, 15-19, 64-67 in Judet). It would have also been obvious to one having ordinary skill in the art to modify the combination of Marino and Judet to include a tri-flanged tip in view of Engelhardt because it allows bone contact along three very thin flanges of metal that are equally spaced, where the leading end of each flange is a sharp point that upon nail impaction cuts into the bone and provides a self broaching mechanism and that the edges of the flanges digging into the bone reduce the ability of the nail to undesirably rotate inside the bone or the individual bone fragments to rotate relative to the nail or to each other.

***Response to Arguments***

15. Applicant's arguments filed November 2, 2009 have been fully considered but they are not persuasive. Regarding Marino, the examiner appreciates the applicant's efforts in distinguishing the current invention with Marino, in particular the unitary "one piece" structure of the current invention (as applicant stated on page 2 in the response, 1st paragraph last sentence, "Applicant discloses structurally a unitary - one piece intramedullary nail to avoid these drawbacks"). However, the applicant does not **claim** a unitary one-piece intramedullary nail. See NPL document attached with the plain meaning of the term unitary (in particular, the circled definitions), wherein the two piece nail of Marino form a unitary nail. The applicant has gone into detail about the deficiencies of Marino in comparison with the current invention but Marino still reads on the **claimed** invention. With regard the statement of intended use and other functional statements, they do not impose any structural limitations on the claims distinguishable over Marino which is capable of being used as claimed if one so desires to do so. *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Furthermore, the law of anticipation does not require that the reference "teach" what the subject patent teaches, but rather it is only necessary that the claims under attack "read on" something in the reference. *Kalman v. Kimberly Clark Corp.*, 218 USPQ 781 (CCPA 1983). Furthermore, the manner in which a device is intended to be employed does not differentiate the claimed apparatus from prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

The applicant also argues that Marino does not disclose the plane of centre of each of first plurality of proximal holes intersecting with the plane of centre of each of the first plurality of distal holes but as seen in Fig above, Marino does teach the intersection of the planes, where the intersection of the planes are clearly labeled in this office action for further clarification (see Figs in claim 1 and 27), wherein the plane of centre of the proximal holes and the plane of centre for the distal holes are *not parallel* but intersect and that and the targeting device does not to be rotated.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). With response to Engelhardt, even though the nail of Engelhardt teaches a different use of the nail, the modification is for the tri-flanged part, where Engelhardt teaches that the tri-flanged part provides a sharp point that upon nail impaction cuts into the bone and provides a self broaching mechanism (see Col 2 lines 11-16) and that the edges of the flanges digging into the bone reduce the ability of the nail to undesirably rotate inside the bone or the individual bone fragments to rotate relative to the nail or to each other (see Col 4, lines 14-18).

The examiner notes that the amendment to claim 1 and it's dependent claims prompted a slight modification to the rejection for these sets of claims as well as rejections under 112 2nd paragraph. The rejection for claim 28 is unchanged, except for a change of ordering in the 103 rejection. Judet and Engelhardt were discussed

Art Unit: 3733

separately but are now grouped together for clarity. An additional Figure was added to claims 1 and 28 to highlight the intersection of the planes.

The examiner has made every effort to point out and correct any 112 issues and objections but requests the applicant's cooperation in correcting any errors of which applicant may become aware in the specification and claims. In the spirits of advancing prosecution, the applicant is also urged to contact the examiner (phone number and times listed below) to discuss any outstanding issues the applicant may have.

Regarding the limitation of "without rotating said targeting device" in claim 1 and 27, the examiner believes the applicant is trying to claim the configuration and placement of the proximal and distal holes of the targeting device, as seen in Fig 9, wherein the proximal holes and distal holes are offset vertically and horizontally. However, the examiner notes that the applicant has claimed such placements of the holes.

An examination of this application reveals that applicant is a pro se and he/she maybe unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents

Art Unit: 3733

located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and relied upon is considered pertinent to the applicant's disclosure. See PTO-892 for art cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAN CHRISTOPHER MERENE whose telephone number is (571)270-5032. The examiner can normally be reached on 8 am - 6pm Mon-Thurs, alt Fri.

Art Unit: 3733

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Jan Christopher Merene/

Examiner, Art Unit 3733

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